

Remarks

The various parts of the Office Action are discussed below under similar headings.

Drawings

The drawings were amended as described above. A replacement sheet is provided for Figure 1.

Specification

The Examiner objected to portions of the specification. The Examiner also objected to reference numbers listed in the figures, but missing from the specification. The specification has been amended to address the Examiner's objections. No new matter has been added. Accordingly, these objections should be withdrawn.

Claim Objections

The Examiner objected to claim 6 because of an informality. Claim 6 has been amended to remove the informality. Accordingly, this objection should be withdrawn.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 4 and 8 based on 35 U.S.C. § 112, second paragraph. These claims have been amended in view of the Examiner's rejections. Accordingly, these rejections should be withdrawn.

Claim Rejections - 35 U.S.C. § 102 and § 103

Claim 1 as amended, recites a portable data storage device, which includes, *inter alia*, an interface unit for transferring information with an external device and receiving power supplied from the external device, wherein the power supplied is sufficient for operation of at least the hard disk unit. Thus, claim 1 is directed to a portable data storage device that includes a hard disk unit that is operable by power supplied through the interface unit from an external device.

Fletcher has not been found to teach or otherwise disclose a hard disk unit that is operable by power supplied through the interface unit from an external device. While Fletcher makes references to various types of interfaces (e.g., Universal Serial Bus and

IEEE 1394), Fletcher has not been found to disclose using the power signal provided from the interface to power the hard disk unit.

According to Fletcher:

Suitable interface configurations include, for example, a Universal Serial Bus (USB) interface and IEEE 1394. With appropriate software installed on the external computer, a user may perform maintenance operations with regard to the content available on Storage Element 320. For example, a user may create playlists which are loaded onto the Storage Element. It should be appreciated that any form of digital information may be transferred to or from the Storage Element in this manner.

(Col. 11, lines 2-13). Fletcher further states:

Alternatively, the output may be provided to an audio or computer system. As described above, device 300 may incorporate a digital interface (see interface 328 in FIG. 2) at a suitable location on the housing. In this way, the device may interface with a user's computer at least for purposes of monitoring and controlling the digital music or other data saved on the Storage Element. The present invention further contemplates connection of device 300 to another portable device including, but not limited to another, identical portable device for purposes of data sharing.

(Col. 24, lines 45-54). Based on the foregoing, Fletcher appears to disclose maintenance, monitoring and controlling operations related to content of the information stored on the storage element. Fletcher has not been found to teach or otherwise disclose a hard disk unit that is operable by a power source supplied through the interface unit from an external device. For at least this reason, it is respectfully submitted that claim 1 is patentable over Fletcher.

Further, the other cited references, taken alone or in combination, fail to cure the deficiencies of Fletcher. Therefore, it is respectfully submitted that claim 1 and claims 2-8 dependent therefrom distinguish patentably over the references of record. Accordingly, the rejections should be withdrawn.

With respect to references U and V cited by the Examiner from Apple.com (collectively referred to as the "Apple.com References"), it is respectfully submitted that these references are not properly considered prior art. According to MPEP §2128, a reference is proven to be a printed publication "upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising

reasonable diligence, can locate it." Section 2128 further states that prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of the date the item was publicly posted. If the publication does not include a publication date or retrieval date, the publication cannot be relied upon as prior art under 35 U.S.C. 102(a) or (b).

The Apple.com References do not appear to have a publication date. The URL links provided by the Examiner display web pages that contain information related to the "Date Created" and the "Date Modified". Presumably, these are the dates that the web pages were created and last modified. None of these dates constitute a publication date. While the Date Created listed on the Apple.com website for both of the references seemingly is before the priority date of the present application, there is no evidence regarding the contents of the web pages at that time. Likewise, there is no evidence of when the information provided on the web pages became publicly available. Accordingly, it is submitted that these references are not properly considered prior art.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 08-18-2005

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Amendments to the Drawings

A replacement sheet for Figure 1 is submitted herewith. Figure 1 was amended to include reference numeral 105, which is discussed in the specification at page 3, 4th paragraph.

Attachment: Replacement Sheet for Figure 1.